Supreme Court, U.S.
FILED

05-545 OCT 28 2005

OFFICE OF THE CLERK

No._____

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IN THE
SUPREME COURT OF THE UNITED STATES

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In re Isidoro Rodriguez, Esq., as father and next of friend to his 16 year old son, Isidoro Rodriguez-Hazbun,

Petitioners.

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To the Respondents: Chief Justice of the U. S. Supreme Court John G. Roberts; Judges of the U. S. Court of Appeals for the D. C. Circuit and the Special Panel Designated under 28 U.S.C. § 455(b); U.S. District Ct. Judge Richard. W. Roberts; Supreme Court of Virginia; Court of Appeals of Virginia; Fairfax County Circuit Court; Judge Thomas Mann, Fairfax County J&D District Court; U. S. Department of State; U.S. Department of Justice, and National Center for Missing & Exploited Children, its employees, and attorneys.

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PETITION FOR TRO/INJUNCTION TO ENJOIN THE VIOLATIONS OF 18 U.S.C. §§ 4, 1001, AND 1204; AND WRIT OF MANDAMUS TO COMPEL COMPLIANCE WITH VIRGINIA CODE § 20-146.25, .29, AND .35, ARTICLE 2 AND 21 OF THE TREATY, AND 42 U.S.C. § 11601(b)(4), TO SECURE VISITATION UNDER THE VALID JOINT CUSTODY SETTLEMENT AGREEMENT.

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On August 1, 2005, although not disqualifying himself as mandated by 28 U.S.C. § 455(a) & (b), Defendant Chief Justice William H. Rehnquist designated a panel under 28 U.S.C. §§ 291-293 to hear and decide this action in lieu of Defendant U.S. Court of Appeals for D.C. Cir.--this four months after the filing of the Petition for TRO/Injunction and Writ of Mandamus for the prompt securing of visitation under the Settlement Agreement, and three months after the filing of the appeal under VA Code & Treaty, and motion to disqualify. On the same date, in support his confirmation Defendant Chief Justice John G. Roberts issued to the U.S. Senate false statements of facts regarding this litigation in violation of 18 U.S.C.. § 1001.

On October 14, 2005, the Designated Panel formed in violation of 28 U.S.C. § 455 (a) & (b), acted outside of their judicial authority under VA Code & Treaty to issue a summary denial of the Petition for TRO/Injunction and Writ of Mandamus and a summary dismissal of the appeal.

Because this "stonewalling" by the Federal Judicial Branch since January 2003 has obstructed a father and son's rights under the Constitution, Treaty, Acts of Congress, and the General Assembly of Virginia in violation of 18 U.S.C. § 1204, & § 4, this case cannot await Certiorari. Thus this Court must enjoin further violation of law, and mandate the prompt securing of visitation for Christmas Vacation 2005 pursuant to the Settlement Agreement.

QUESTION PRESENTED FOR REVIEW

I. WHETHER PETITIONERS ARE SUFFERING IRREPARABLE HARM BY THE ORDERS ISSUED IN VIOLATION OF 28 U.S.C. § 455 AND OUTSIDE OF DEFENDANTS JUDGE RICHARD W. ROBERTS AND DEFENDANT CHIEF JUSTICE WILLIAM REHNQUIST JUDICIAL AUTHORITY, THUS AS A

MATTER OF LAW THIS COURT MUST FIND REVERSIBLE ERROR AND ISSUE A TRO/PRELIMINARY INJUNCTION TO ORDER REMAND?

II. WHETHER PETITIONERS ARE SUFFERING IRREPARABLE HARM BY THE DESIGNATED PANEL ACTING OUTSIDE OF THEIR JUDICIAL AUTHORITY UNDER ARTICLE 19 OF TREATY, 42 U.S.C. § 11601(b)(4), AND VA CODE § 20.146.35, BY ISSUING AN ORDER IN VIOLATION OF 18 U.S.C. § 4 and § 1204, THUS AS A MATTER OF LAW THIS COURT MUST FIND REVERSIBLE ERROR AND ISSUE A TRO/PRELIMINARY INJUNCTION TO ORDER RESPONDENTS TO CEASE AND DESIST THEIR ILLEGAL POLICIES AND ACTIONS OBSTRUCTING THE FATHER'S PARENTAL RIGHTS IN VIOLATION OF A SETTLEMENT AGREEMENT, VA CODE, AND THE TREATY?

III. WHETHER A WRIT OF MANDAMUS MUST BE ISSUED RASED ON REVERSIBLE ERROR OF RESPONDENTS TO ORDER THEIR PROMPT COMPLIANCE WITH VA CODE § 20146.25, .29 AND .35, AND ARTICLE 2, 21 AND 29 OF THE TREATY SO TO SECURE THE FATHER AND SON'S VISITATION RIGHTS FOR CHRISTMAS 2005 IN ACCORDANCE WITH THE SETTLEMENT AGREEMENT?

IV. WHETHER A WRIT OF MANDAMUS MUST BE ISSUED TO THE UNTIED STATES DEPARTMENT OF JUSTICE, THE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF VIRGINIA, THE UNITED STATES ATTORNEY FOR THE DISTRICT OF COLUMBIA, AND THE FEDERAL BUREAU OF INVESTIGATION TO ORDER THEIR COMPLIANCE WITH THEIR MINISTERIAL DUTIES TO INVESTIGATE AND PROSECUTE THE VIOLATIONS SINCE JANUARY 27, 2003, OF 18 U.S.C. § 4, § 1001, AND § 1204?

LIST OF PARTIES

Petitioner, Isidoro Rodriguez, Esq., in his own name and as next of friend, a resident of Alexandria, Virginia.

Petitioner, Isidoro Rodriguez-Hazbun is 16 years-old citizen of the United States, resident of Colombia.

Respondent, the Hon. Judge John G. Roberts, Chief Justice of the United States Supreme Court.

Respondent, the Hon. Judges of the United States Court of Appeals for the D. C. Cir., Washington, D.C..

Respondent, the Hon. Chief Judge Jane A. Restani, United States Court of International Trade, New York, NY.

Respondent, the Hon. Chief Judge Paul R. Michel, U.S. Court of Appeals for the Federal Cir., Washington, D.C.

Respondent, the Hon. Judge William H. Stafford, Jr., U.S. District Court for the N. D. Fl., Tallahassee Fl.

Respondent, Hon. Judge Richard W. Roberts, U.S. District Court for D.C., Washington, D.C..

Respondent, the Hon. Judges of the Supreme Court of Virginia, Richmond, Virginia.

Respondent, the Hon. Judges of the Court of Appeals of Virginia, Richmond, Virginia.

Respondent, the Hon Judge Langahorn Keith, Fairfax County Circuit Court, Chancellery, Fairfax, Virginia.

Respondent, the Hon. Judge Thomas Mann, Fairfax County J&D District Court, Fairfax, Virginia.

Respondent, the U. S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, Washington, D.C.

Respondent, the United States Department of State, The Office of Children Issues, Bureau of Consular Affairs, Washington, D.C..

Respondent, the National Center for Missing & Exploited Children, its employees, and attorneys, Alexandria, Virginia.

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